



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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February 14, 2024

**VIA ECF**

The Honorable Robert M. Levy  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Abraham v. City of New York, et. al., 22 Civ. 1162 (KAM)(RLM)

Your Honor:

I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants in the above-referenced matter. We write in response to the letter of Joel Wertheimer, Esq. to withdraw as counsel of record for plaintiff herein and to respectfully request an immediate conference with the Court to discuss how this case will proceed going forward.

On February 7, 2024, the Court made a recommendation to settle to both sides following an extended settlement conference. Both sides' responses to the Court's recommendation were due today. On February 13, 2024, plaintiff called me. The caller identification did not indicate that it was plaintiff. When I picked up the call, plaintiff identified himself and I told him that I could not talk to him. I then ended the phone call. Plaintiff proceeded to call me approximately 6 more times yesterday, none of which did I answer. Plaintiff did not leave a phone message yesterday. I informed Mr. Wertheimer what had occurred but then Mr. Wertheimer called me and told me plaintiff was terminating him when I asked Mr. Wertheimer to have plaintiff stop calling me.

Today, plaintiff called me an additional 10 times, approximately, finally leaving me a voicemail on the tenth call. Plaintiff's message indicated that he wanted to schedule depositions. Plaintiff then called the Chief of Special Federal Litigation, Patricia Miller, to complain about me.

I am gravely concerned about this case going forward and request an immediate conference with the Court. In addition to the phone calls made to me, plaintiff has repeatedly harassed a witness, the trial prosecutor, now Assemblyman Michael Tannousis. Plaintiff made repeated phone calls to his office, and as it has been reported to me, 70 times per day at one juncture. Plaintiff has made harassing social media posts on Mr. Tannousis's social media pages, just one example of which is Exhibit A hereto (filed under seal because of its nature)<sup>1</sup>. Upon information and belief, Mr. Tannousis is one of the witnesses that plaintiff wishes to depose going forward.

As such, we respectfully request an immediate conference with the Court to discuss how this case is going to proceed going forward given what has occurred already.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Mark D. Zuckerman

Mark D. Zuckerman  
Senior Counsel

cc: All Counsel (via ECF)

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<sup>1</sup> Defendants respectfully request permission to file Exhibit A under seal given its nature.